

REMARKS

Pursuant to the present amendment, claims 1, 10, 13, 20, 23 and 29 have been amended, claims 9, 19, 28 and 69-106 have been canceled, and new claims 108-137 have been added. Thus, claims 1-8, 10-16, 18, 20-27, 29-68 and 107-137 are pending in the present application. No new matter has been introduced by way of the present amendment. Reconsideration of the present application is respectfully requested in view of the amendments and arguments set forth herein.

As an initial matter, claims 69-106 are directed to a non-elected invention that was the subject of a previous restriction issued by the Patent Office. Applicants specifically reserve the right to pursue such claims in a later filed application should they so desire.

In the Office Action, claims 32-68 and 107 were allowed. Claims 9-11 and 28-30 were objected to but indicated to be allowable if rewritten in independent form. Additionally, pursuant to a teleconference with Examiner Vinh on May 17, 2004, it was agreed that dependent claims 19-21 likewise would be allowable if rewritten in independent form to include all intervening limitations.


Pursuant to the present amendment, independent claims 1, 13 and 23 have been amended to include the limitations from allowable claims 9, 19 and 28, respectively. Accordingly, it is respectfully submitted that, as amended, claims 1, 13 and 23, as well as all claims depending therefrom, are in condition for immediate allowance. It should be understood that by virtue of the present amendment, the independent claims have been amended to re-present the allowable dependent claims in independent form. Thus, these claims should not be subject to any prosecution history estoppel by virtue of the present amendment as it merely presents these allowed dependent claims in independent form.

As to the newly added claims 108-137, independent claims 108, 114, 120, 124, 128 and 133 are dependent claims 10, 11, 29, 30, 20 and 21, respectively, re-presented in independent form. Thus, it is believed that these newly added independent claims, as well as all claims depending therefrom, are in condition for allowance. There also would appear to be no issue relating to prosecution history estoppel as it relates to the presentation of these newly added claims 108-137, as the independent claims merely re-present allowable dependent claims in independent form.

In view of the foregoing, it is respectfully submitted that all pending claims are in condition for immediate allowance. The Examiner is invited to contact the undersigned attorney at (713) 934-4055 with any questions, comments or suggestions relating to the referenced patent application.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'J. Mike Amerson', is written over a horizontal line.

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